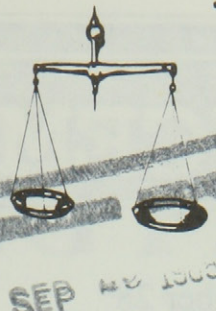


Quid Novi



VOL.IX NO.2

McGILL UNIVERSITY FACULTY OF LAW
FACULTE DE DROIT DE L'UNIVERSITE MCGILL

September 27, 1988
le 27 septembre 1988

Dispensing justice in Courtroom 121

(Globe and Mail, June 29, 1988)

by Michael Valpy

The criminal division of the provincial courts in Metropolitan Toronto hears about one million charges annually. No other stratum of the court system has comparable contact with the public.

It is the same throughout the country. It is what happens in the provincial criminal courts - whether dignity and respect are extended to the accused, to witnesses, to the precepts of natural justice - that shapes Canadians' attitudes about the administration of justice.

Here is His Honour Lorenzo DiCecco, sitting in Courtroom 121 of Toronto Old City Hall on June 1, 1988. The man before him is charged with communicating for the purposes of prostitution.

There is no dispute that, on March 15 between 8:25 and 8:33 p.m., the man

stopped his car to have a conversation with Constable Suzanne Beauchamp of the Metropolitan Toronto Police who was standing on a downtown corner, wearing pants and sweater, doing hooker detail.

There are, however, other elements to this case, beginning with the fact that the man's first language is not English. The transcript suggests he is having some difficulty understanding what is going on in court. There is no interpreter and he is not represented by counsel.

He first pleads guilty. But as he tries to explain the circumstances behind the charge - that he was trying to pick up Constable Beauchamp for free sex, not hire her - Judge DiCecco abruptly cuts him off and says: "Forget it, we'll have a trial. Strike the plea. We'll have a trial."

He does not advise the man to get a lawyer. He merely tells him: "We'll test your intention under oath."

The trial begins.

It is Constable Beauchamp's evidence that within the space of a brief exchange - all the initiation being on the accused's part - she was offered \$40 to engage in fellatio (at which point she signalled to her two back-up officers to move in and join her in a bust).

Only the accused is available to cross-examine Constable Beauchamp. It is evident from the transcript that he is not familiar with how courtroom procedure works. No one assists him.

The accused's account of his conversation with Constable Beauchamp is a little confusing.

He stresses, however, that it lasted at least 10 minutes. He says he had stopped his car to talk to her because she "looked different than other girls I see in the streets."

Cont'd on p. 4



ANNOUNCEMENTS

Placement Centre Now Open

Are you looking for an articling or summer position? If so, come and visit the Placement Office, located in Room 104 of Old Chancellor Day Hall. New listings of positions available across Canada are placed on the bulletin boards just outside the office. If you need further information you are welcome to visit the office during the hours posted on the door. Come and see the new resources we have available to help you determine the next step in your legal career.

The 1988 Career Seminar Series

The Placement Office is currently organizing a series of Career Seminars. Over the next few months, a number of speakers will be invited to the Faculty to share their career experiences with the students. Various people will be invited to speak on their personal experience as corporate in-house counsel, lawyer in large urban law firms, or in public interest and government agencies.

The format of the seminars is informal and is intended to provide students in all years with the opportunity to ask questions about the various career options available to law graduates.

The following is a provisional list of the seminars, which will take place on Wednesdays at noon:

September 28

Corporate In-house Counsels

Room 201 12:00

Mr. Jim Doyle, formerly of Steinberg's and Ford

Mr. Arthur Bruneau, formerly of Alcan

October 5

Large and Middle Size Law Firms

Room 201 12:00

Mr. Daniel Doheny, formerly of Doheny, Mackenzie (now Mackenzie Gervais)

Prof. Alison Harvison Young
Prof. Martin Boodman

October 19

Non-legal Careers

Room 202 12:00 T.B.A.

October 26

Public Interest Work

Room 202

Mr. Stephen Fineberg, de l' Office des droits des détenus

November 2

Opportunities for French-speaking Common Lawyers in the Federal Department of Justice

Room 202

Ms. Anne-Marie Trahan,

Sous-ministre associée,
Ministère de la Justice,
Ottawa

November 9

Small Law Firms and Solo Practitioners

Room 202 T.B.A.

November 16

Government Legal Services

Room 202 T.B.A.

Shrum, Liddle and Heberton, a Vancouver based firm will be holding interviews for summer jobs on **September 29, 1988**, between 10:30 and 4:30 p.m.

Places are available to any second year LLB or third year National student.

If interested, please sign up in the admissions office and provide us with

your resumé and transcripts.

Firm brochures are available in the Admissions office.

Women and the Law

Qui est Annie MacDonald Langstaff?

Did she offend public order and

cont'd on p.6

COMPUTING FACILITIES IN THE FACULTY

Several changes have been implemented for the up-coming school year regarding the computing facilities within the faculty. These have been summarized, along with the current policies, in the article that follows. Please read this carefully. Any questions may be directed to members of the L.S.A. Computer Committee whose names may be found under-

First Year Students

First year students need not panic at this stage. You must be sure to buy a valid user card, but the tutorial course now covers basic instruction in the use of the computing facilities. This instruction covers both wordprocessing, and using the legal data bases "Quick Law" and "SOQUIJ." No need to worry. Really.

General Information

The regulations and policies of the Computer Committee are summarized in the following rules. These policies will be posted in the library, and are subject to change. Notice of any changes in policy will be printed in the *QUID NOVI*.

RULES FOR USE OF THE COMPUTER FA- CILITIES FACULTY OF LAW, MCGILL UNIVERSITY

September, 1988

Eligibility

1. The LSA Computer facilities, which are located on the fourth floor of the Law library, are for the exclusive use of McGill Law students and researchers.
2. All users must purchase a "User Card". These are available at the Bookstore or from the Library, and cost **ten** dollars a semester (**twenty** dollars for graduate students). These cards help cover the cost of maintenance and supplies.

Use of the Computers

3. A red AED/LSA plaque must be clearly visible whenever a computer is in use. These plaques are available from the reserve librarian, upon presentation of a "User Card" and a valid

McGill I.D.

4. Software packages are available from the reserve librarian. These should be borrowed when presenting one's "User Card" to obtain the red LSA/AED plaque for the front of the computer being used. All software and plaques must be returned before leaving the library.

5. Users may sign up (at the Law library) in advance for up to two hours of computer time per day. When the machines have not been reserved, use is on a first-come, first-served basis.

6. A reasonable amount of continuous-sheet paper is available for printing.

7. Laser printing is available on the HP "Laserjet" printer, for an additional **twenty-five** cents per page. Every page is counted, not just "final copies".

Enforcement

8. Members of the computer committee and library staff personnel will frequently check the machines for visible red plaques. Anyone

cont'd on p. 4

Quid Novi is published weekly by students at the Faculty of Law of McGill University, 3644 Peel Street, Montreal, H3A 1W9. Production is made possible by support of the Dean's office and by direct funding from the students. Opinions expressed are those of the author only. Contributions are published at the discretion of the editor and must indicate author or origin.

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Quid Novi est une publication hebdomadaire assurée par les étudiants de la faculté de droit de l'université McGill, 3644 rue Peel, Montréal, H3A 1W9. La publication est rendue possible grâce à l'appui du bureau du doyen, ainsi que par le financement individuel des étudiants. Les opinions exprimées sont propres à l'auteur. Toute contribution n'est publiée qu'à la discrétion du comité de rédaction et doit indiquer l'auteur où son origine.

Dispensing Justice... cont'd from p.1

The subject of sex did come up. He say Constable Beauchamp asked him variously: "How much you want to pay?" "How much can you afford?" and

"You want free or you want for money?" He says he told her "more than 10 times that I'm not the type to do this (hire prostitutes)."

However, the man eventually says the figure of \$40 was mentioned - he doesn't say how or by whom or under what circumstances and neither Judge DiCecco nor Crown counsel Catherine White seek clarification.

But after the accused says he stopped to talk to Constable Beauchamp en route to a 9 p.m. appointment that was about three or four minutes' driving time from his house, Ms White asks him how long he thinks an act of oral sex might take. The accused says he does not know.

Ms White: "I have no further question, Your Honour."

Judge: "Excuse me, you mean you

never got a ———job?"

Accused: "Your Honour..."

Judge: "No, just state your answer."

Accused: "Well, I don't have to bring my wife here, do I?"

Judge: "No, you don't have to. I'm not asking if your wife is a (a vulgar expression for someone who performs fellatio), I ask if you ever got ———, because you said you do not know how long it takes."

Accused: "No, it takes longer than that."

Judge: "On, c'mon - you mean it takes more than 20 minutes?"

Accused: "Oh, I didn't say 20 minutes. I thought we're talking about three or four..."

Judge: "But your appointment was for nine o'clock. It was 8:30 - ample time to get ———."

The accused is convicted. The judge discredits justice.

EXPERT LEGAL TYPING: FACTUMS, TERM PAPERS

References available from McGill Law Students

Competitive rates - Pick-up and delivery available

Call **PAULINE PERREAUX**, 684-8862

Computing Facilities cont'd from p.3

without a plaque will be asked to stop working immediately.

9. Anyone found using another person's "User Card" will be asked to stop working immediately, and the card will be destroyed. It's owner will forfeit all user privileges.

10. Fines for late return of software and red plaques will be charged, as with any other reserve material, at the rate of **one** dollar per hour.

Computer Help Sessions

John Godber will be available on the Fourth Floor every Wednesday afternoon during the first term to help students learn to use the computing facilities. Students are encouraged to sign-up at S.A.O. for these sessions.

New Software for the IBM-PC Clones

Beginning the week of September 12th, new software packages for use with the IBM Clones will be put on reserve. There are eleven packages which contain the following:

packages 1 to 6 - *WordPerfect* version 4.2, English w/ Thesaurus, Speller, DOS;

7 to 9 - *WordPerfect* version 4.2, Français, w/Thesaurus, Speller, DOS;

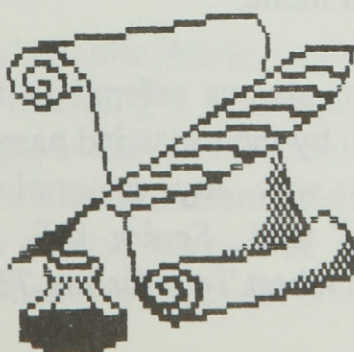
11 - *WordPerfect* version 4.2, English, Learning Disk; and,

12 - *WordPerfect* version 4.2, English, for use with *H.P. Laserjet* printer.

These *WordPerfect* system disks need no longer be started from **DOS**. Users can simply insert the *WordPerfect* system disk (labelled as: "DOS 3.2/WP 4.2/System) in **Drive A**, and their own file disk in **Drive B**, turn on the machine, and enter the date and time as usual. The new software will then boot itself. There is no longer any need to turn on the machine with the **DOS** disk first. (The **DOS** disk is nevertheless included in all software packages for those who understand and wish to use its functions.) Users of the new English *WordPerfect* 4.2 will then be asked to enter a "user name." Just enter any name, but try to use the same three letters always. (For the technically minded, the new system keeps working files on the user's disk, and keeps track of them by this name) If *WordPerfect* asks if any other programs are running at the same time, answer "no." Users are advised to always exit the *WordPerfect* system properly (via F7) to avoid future difficulties.

The French versions of *WordPerfect* ("Mot Parfait"?) have not changed, except that they are now autobooting as well.

The Computer Committee is author-



ized by *WordPerfect* to make only a limited number of copies of the system program. Users are reminded that no unauthorized reproductions of the program may be made.

A Final Word

Computing facilities is a privilege that the Law students use and enjoy frequently. The machines are extremely expensive to acquire and maintain, however, and should not be taken for granted. Please treat them with care and please treat the rules with respect. It is amazing how fast a privilege like this can disappear through a want of care or responsibility.

Should there be any questions, please do not bother the library staff. The members of the Computer Committee are available to answer any questions, or help solve problems (computer problems only).

Thank-you, and have a pleasant year,

The Computer Committee.

Colin Baxter, Chairperson

Louis Belzil

Richard Aronoff

Prof. R.L. Simmonds,
Faculty Advisor

Announcements cont'd from p. 3

good morals?

La réponse à ces questions et bien d'autres à:

La première réunion de "Women and the Law" (Les femmes et le droit)

Wednesday, September 28 at noon in the common room

New members welcome!

P.S. We will nourish your body and soul (i.e. refreshments served).

LAW STUDENTS' ASSOCIATION ELECTION INFORMATION

On Wednesday, September 28, 1988, all students in the Faculty will elect candidates to the following positions:

- (1) Student member of Faculty Council
- (2) Athletic Coordinator

Additionally, each of the first year classes will elect, from among themselves, class presidents.

Balloting will take place between 9:00 am and 4:00 pm.

Bring your student cards.

INFORMATION: ELECTIONS DE L'AED

C'est le mercredi 28 septembre 1988 qu'auront lieu les élections pour les postes suivants:

- (1) Représentant au Conseil de la faculté
- (2) Coordonnateur des activités sportives

Les élections des présidents de classe de 1^{re} année se tiendront aussi cette journée.

Tous les étudiants pourront voter, en présentant leur carte d'étudiant, entre 9:00 et 16:00.

Lawyers for Social Responsibility

On Wednesday, September 28, at 12:15, the Lawyers for Social Responsibility are proud to sponsor a slide presentation by Andy Orkin on Nuclear Pollution and Waste Policy in Canada. This show received critical acclaim when presented at the National L.S.R. Annual General Meeting this summer at the Maison du Barreau.

Everyone is welcome to this important event.

U.S. Judge says he made a Ms.take

Follow-up to "Judge won't allow lawyer to use Ms."

(Miami Herald, July 15, 1988.)

A federal judge apologized Thursday for outlawing the courtesy title *Ms.* in his courtroom and interrupting a trial to scold an attorney for using her maiden name.

"I have always referred to married women by their married name. This is the way my generation was taught," said Senior U.S. District Judge Hubert Teitelbaum, 73.

"I recognize your right to be ad-

dressed in any manner in which you see fit, and I apologize," he told Barbara Wolvovitz, attorney in a bias case.

On July 8, Teitelbaum told Wolvovitz, whose husband is University of Pittsburgh law professor Jules Lobel: "In this courtroom you will use Mrs. Lobel. That's your name."

He said he wasn't teasing when he said she would "sleep in the county jail tonight" if she refused.

"I unfortunately lost my temper," he said Thursday.

McGill Law Journal Referendum

Wednesday, September 28, there will be a referendum in which full-time undergraduate Law Students will be asked to vote on an increase in the amount which they are charged, through their student fees, for their subscription to the McGill Law Journal. We at the Journal are grateful for having had the opportunity to work for this institution and we think that McGill's tradition of having one of the few student-run Law Journals in Canada is worth upholding.

The cost of printing the Journal is in excess of \$27. This amount does not include and of the costs of running the office. Students have been paying just \$19.

An increase of \$2 per year would help reduce our dangerous dependence on government grants. We thus urge you to vote in favour of an increase in the student price.

Référendum de la Revue de droit de McGill

Les membres de la Revue sont heureux de participer à la vie d'une publication académique réputée et ils croient qu'il est important de maintenir la tradition de la Revue, d'une des rares publications juridiques canadiennes à être entièrement dirigée par des étudiants.

Ce mercredi 28 septembre, la Revue de droit tiendra un référendum. Nous demanderons aux étudiants de pre-

mier cycle inscrits à temps plein d'accepter une hausse du prix d'abonnement à la Revue. L'Université perçoit ce prix au moment du paiement des frais de scolarité.

Le prix d'impression de la Revue dépasse le 27\$, cela sans compter les coûts d'administration de la Revue.

Pourtant les étudiants ne paient que 19\$.

Une hausse de 2\$ par année nous rendrait moins dépendants des subventions gouvernementales. Nous vous demandons donc de voter en faveur d'une hausse du prix d'abonnement des étudiants.

Finally, traffic lights

Grad Students get traffic light from city for McGill's most dangerous intersection

Montréal
14 September 1988

The City of Montréal is installing a traffic light at McGill's most dangerous intersection, thanks to the lobbying efforts of the Post-Graduate Students' Society of McGill University.

The intersection of McTavish Street and Dr. Penfield Avenue is one of the most heavily-used on the McGill campus: a 1986 study indicated up to 120 pedestrians cross from the lower to the upper campus there every minute during the lunch hour, while traffic rushes by at an average speed of 52 km per hour.

The City's Public Works Department is now installing a pedestrian-activated light at the intersection, which will allow McGill students and staff to cross in safety, instead of running across whenever the coast is clear.

University officials first asked for a

traffic light at the McTavish-Penfield intersection in 1971 and once even considered building a tunnel under what was then still called McGregor Avenue, but abandoned the plan because it was too expensive.

Since December 1986, members of the McGill Post-Graduate Students Society (PGSS) executive logged over a dozen telephone calls and almost as many letters, lobbying the City to make the intersection safer. The graduate student centre, Thomson House, is on McTavish Street immediately north of Dr. Penfield and the PGSS was concerned about its members' safety going to and from their club.

"We're very happy the City has finally responded to our concerns," said PGSS president Lee Iverson.

"Two former executive members, last year's president André Couture and, especially, former vice-president external David Schulze deserve credit for pressuring the City on this point and not letting go till they got results," Iverson pointed out.

Sports Corner

Le Coin des sportifs

by Anthony M. Fata
Intermim Sports Coordinator

Intramurals:

-Sign-up sheets for hockey, basketball, volleyball, ball hockey, etc. will be up soon. Start forming your teams now.

-les inscriptions pour le hockey, le basketball, le volleyball, le hockey intérieur, etc. auront lieu bientôt. Formez vos équipes dès maintenant.

Jeux-ridiques - Law Games

Les Jeux-ridiques se tiendront à

Québec du 25 au 29 janvier. Nos chambres d'hôtel sont déjà réservées. L'inscription débutera au mois d'octobre.

Nous avons besoin d'idées, d'une mascotte, d'un design, etc. pour nos équipes. Si vous avez une suggestion ou des questions, veuillez laisser un message à l'A.E.D. dans la boîte du coordonnateur des sports.

This year's Law Games will be held in Quebec City between January 25 and January 29. Our hotel rooms are already booked.

We are looking for a mascot, ideas, t-shirt design, etc. for the Law Games. If you have any ideas please leave them in the athletic coordinator's box in the L.S.A. office.

Squash

We will be co-hosting a squash tournament in mid-October with Université de Montréal's law faculty. We need four more men and two women. Our pride is at stake (remember the hockey game in Windsor!) so sign up (i.e. leave a message in the athletic coordinator's box).

Nous avons besoin de joueurs de squash pour participer à un tournoi organisé conjointement avec l'Université de Montréal qui aura lieu au mois d'octobre. Notre fierté est en jeu (pensons à notre défaite en hockey contre l'Université de Montréal à Windsor). On a besoin de quatre autres joueurs et de deux joueuses. Inscrivez-vous!

The Quid apologizes for any inconvenience that might have been caused by the tardiness of last week's issue as well as by the misprints contained in the article on Computer Facilities in the Faculty.

We have reproduced said article on p. 3. We urge you to keep a copy of it in your files for future reference.

Thank you.